

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 07/14/2003
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 05/28/2003.

TITLE: Vessel Monitoring Program for the Pacific Coast
Groundfish Fishery

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0478

EXPIRATION DATE: 07/31/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	3,723,630	7,916	772
Difference	3,723,630	7,916	772
Program Change		7,916	772
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
VESSEL MONITORING SYSTEM (VMS) REQUIREMENT
IN PACIFIC COAST GROUND FISH FISHERY**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established regional fishery management councils, including the Pacific Fishery Management Council (Council), to develop fishery management plans for fisheries in the U.S. exclusive economic zone (EEZ). The fishery management plans (FMPs) are intended to regulate fishing to ensure long-term productivity and achievement of optimum yield from the resources for the benefit of the nation. These plans are implemented by Federal regulations which are enforced by the National Marine Fisheries Service (NMFS) and the U.S. Coast Guard (USCG), in cooperation with State agencies.

For 2003, the Council sought a management strategy that would allow fishing to continue in areas and with gear that can harvest healthy stocks with little incidental catch of low-abundance species. Recent stock assessments for bocaccio, yelloweye, canary and darkblotched rockfish, indicate that these species are in an overfished status (<25% of the virgin biomass). Therefore, measures must be taken to protect these stocks and rebuild them to sustainable biomass levels. The Council recommended that NMFS define new management areas for the groundfish fishery that are based on bottom depth ranges where overfished rockfish species are commonly found. For 2003, large-scale depth-related closures, referred to as Rockfish Conservation Areas (RCAs), will be used to restrict commercial and recreational fishing across much of the continental shelf. Deep-water fisheries on the slope and nearshore fisheries will be permitted, but only in areas seaward or shoreward of the depth-based RCAs.

The boundaries of the groundfish RCAs are complex, involving hundreds of points of latitude and longitude to delineate nearshore and offshore fathom curves. The areas are vast, extending along the entire West Coast from Canada to Mexico, and the weather and sea conditions are frequently harsh. Some fishing such as midwater trawling for pelagic species and shrimp trawling, providing finfish excluders are used, will be allowed to occur in the RCAs. In addition, vessels intending to fish seaward of the westernmost boundary of a RCA will be allowed to transit through the area providing the gear is properly stowed. Ensuring the integrity of RCAs using traditional enforcement methods is especially difficult when the closed areas are large-scale and the lines defining the areas are irregular. Furthermore, when some gear types and target fishing are allowed in all or a portion of the RCA while other fishing activities are prohibited it is difficult and costly to effectively enforce closures using traditional methods.

To allow for a more liberal depth-based management regime, as proposed by the Council for 2003, it was necessary to take action to establish a monitoring program to ensure the integrity of these large irregularly shaped depth-based RCAs. NMFS is proposing regulations, at 50 CFR Part 660 subpart G, that would require vessels registered to a Pacific Coast groundfish fishery

limited entry permits to carry and use mobile Vessel Monitoring System (VMS) transceiver units while fishing in the EEZ off the coasts of Washington, Oregon and California. This regulation would enhance monitoring of compliance with large-scale depth-based restrictions for fishing across much of the continental shelf. The regulations at 50 CFR 660 subpart G would also require the operator of any vessel registered to a limited entry permit, and any other commercial or tribal vessel using trawl gear; including exempted gear used to take pink shrimp, spot and ridgeback prawns, California halibut and sea cucumber, to identify their intent to fish within restricted areas. These regulations further the conservation goals and objectives of the Pacific Coast Groundfish FMP by allowing fishing to continue in areas and with gears that can harvest healthy stocks with little incidental catch of low abundance species.

To support this new monitoring program, NMFS requests a collection to require the following information to be submitted: 1) VMS transceiver installation/activation report, 2) hourly position reports from the VMS transceiver units, 3) exemption reports from vessels that meet specific criteria and choose to discontinue or reduce position transmissions when the vessel leaves State or Federal waters off the coasts of Washington, Oregon or California for more than 7 consecutive days and 4) a declaration report that requires vessels to identify their intent to fish within restricted areas, in a manner that is consistent with the requirements of that area.

Installation/activation reports would require vessel owners and operators to follow a prescribed installation protocol and provide certain information about the installation to NMFS. Installation instruction would be issued by NMFS and the VMS installer would certify the information about the installation by signing a certification form and returning it to NMFS (attached). Given that the VMS hardware and satellite communications services are provided by third parties, as approved by NMFS, there is a need for NMFS to collect information regarding the individual vessel's installation in order to ensure that automated position reports will be received and to identify the unique signature for each VMS unit.

Hourly position reports are automatically transmitted to NMFS via satellite once the VMS transceiver unit is installed and activated. Vessels that are required to have VMS must operate the mobile transceiver unit continuously 24 hours a day throughout the calendar year, except when the vessel leaves the EEZ or is removed from the water for an extended period. The number of annual transmissions depends on the VMS transceiver that the vessel owner purchases and the number of fishing days per year in the managed area. With many of the systems, there is a sleep function, when the vessel is in port, position transmissions are automatically reduced. This allows for port stays without significant power drain or power shutdown. When a VMS unit is in sleep mode it is still considered to be continuously operable because the unit may be polled (queried) by NMFS at any time to obtain a position report. When the vessel goes to sea, the unit restarts and normal position transmissions automatically resume. Because the unit is continuously operable, NMFS may query the unit at any time to obtain a position report.

Exemption reports are optional, and would be sent by the vessel owner or operator when they wanted their vessel to be excused from the requirement to continuously operate the mobile transceiver 24 hours a day. Such exemptions would only be allowed for vessels that will be operating seaward of the EEZ for more than 7 consecutive days or for vessels that will be continuously out of the water for more than 7 consecutive days. A vessel may be exempted from

the requirement to operate the mobile transceiver unit continuously 24 hours a day if a valid exemption report is received by NMFS, Office for Law Enforcement (OLE) and the vessel is in compliance with all conditions and requirements of the exemption. An exemption report would be valid until a second report was sent to cancel the exemption.

Declaration reports will be required from vessels registered to limited entry permits with trawl endorsements; any vessel using trawl gear, including exempted gear used to take pink shrimp, spot and ridgeback prawns, California halibut and sea cucumber; and any tribal vessel using trawl gear, before the vessel is used to fish in any trawl RCA or the CCA in a manner that is consistent with the requirements of the RCAs (e.g. pelagic trawl during when permitted for pelagic species such as yellowtail and widow rockfish or Pacific whiting; or pink shrimp gear with the required finfish excluder during the pink shrimp season). In addition, declaration reports will be required from vessels registered to limited entry permits with longline and pot endorsements, before the vessel can be used to fish in any Non-trawl RCA or the CCA, in a manner that is consistent with the requirements of those RCAs (I.E. during the Dungeness crab or lobster fisheries). Each declaration report will be valid until cancelled or revised by the vessel operator. After a declaration report has been sent, the vessel cannot engage in any activity with gear that is inconsistent with that which can be used in the RCA unless another declaration report is sent to cancel or change the previous declaration.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

Installation/activation reports will be used to provide OLE with information about the hardware installed and the communication service provider that will be used by the vessel operator. Specific information that links a permitted vessel with a certain transmitting unit and communications service is necessary to ensure that automatic position reports will be received properly by NMFS and to identify the unique signature for each VMS unit. In the event that there are problems, NMFS will need to have ready access to a database that links owner information with installation information. NMFS can then apply troubleshooting techniques and as necessary, contact the vessel operator and discern whether the problem is associated with the transmitting hardware or the service provider. Vessel owners would be required to provide these reports following initial installation and after a re-installation or when the hardware or communications service provider changes. This is not expected to occur more than once per year.

Hourly position reports will be used by NMFS to maintain the integrity of large geographical areas where fishing activities are restricted. On a broad level, the VMS vessel location reports are a cost-effective tool used to facilitate enforcement of time/area closures in the fishery. The hourly position reports are transmitted 24 hours per day throughout the calendar year (note: that some type-approved models have a sleep mode that automatically reduces the transmissions after an extended period of inactivity and resumes transmission when the vessel moves) and provide NMFS and USCG with real-time vessel location and activity information. Position information

will also be used by NMFS fishery managers to evaluate fishing effort and determine whether further management measures are needed to protect low abundance species.

Vessel operators are required to operate the VMS unit continuously throughout the a year. This means that the vessel operator will maintain the transponder unit, antennas and the electrical sources that power the system. When an operator is aware that transmission of automatic position reports has been interrupted, or when notified by NMFS that automatic position reports are not being received, they must contact NMFS and follow the instructions provided. Such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's position or returning to port until the VMS is operable. In addition, some systems may require software to be updated. Many of the transponders can have their set of features upgraded by being reloaded/flushed with updated versions.

Exemption reports allow vessels to discontinue or reduce transmissions when they are seaward of the monitored area or when the vessel has been removed from the water for an extended period and is without the electrical power source needed to operate the VMS transceiver unit. These reports allow flexibility to the industry participants while providing NMFS OLE with the information needed to determine why a position report is not being received from the vessel.

Declaration reports are needed by NMFS OLE and USCG to identifying vessels that are legally fishing within RCAs. To effectively monitor activity in the RCAs and efficiently use limited resources, it is necessary to require vessels to declare their gear before entering the RCAs. In addition to the groundfish fishery, there are numerous state and federal fisheries that occur in the EEZ off Washington, Oregon, and California. Because many of the groundfish vessels also participate in fisheries other than groundfish it is difficult to determine during an enforcement flyover if they are fishing for groundfish or for a species and with a gear for which harvest is allowed in the RCA. Therefore, a declaration report is necessary to identify what gear the vessel operator intends to use. Only those vessels that are difficult to identify are being required to declare their intent. For example, vessels such as salmon troll and sport charter vessels are visually unique and would therefore not be required to provide declaration reports.

A single gear type is typically used for multiple trips, so to reduce the reporting burden each declaration report will be valid until cancelled (can apply to multiple trips) or revised by the vessel operator. After a declaration report has been sent, the vessel cannot engage in any activity with gear that is inconsistent with that which can be used in the RCA unless another declaration report is sent to cancel or change the previous declaration. This information will be used in combination with VMS to more efficiently and effectively direct the use of enforcement resources throughout the fishing year.

It is anticipated that the information collected will be used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be

subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

Installation/activation reports The installation/activation reports will be made available over the Internet. Due to the need for the owner's signature NMFS will use facsimile submission for the installation report. NMFS OLE will accept mailed submissions if the vessel owner prefers this method.

Hourly position reports are automatically sent from VMS transceivers installed aboard vessels. Once per hour, the unit automatically determines the vessel's location and transmits that position to a processing center via a communication satellite. The VMS transceiver units type-approved for use in the Pacific Coast groundfish fishery include models that automatically reduce the number transmissions, and thus the transmission costs after and extended period of inactivity by the vessel. In addition, vessel owners may choose to take advantage of the VMS technology by linking personal computers to VMS transceiver units to improve communication (by adding email capacity) and add other services such as newspapers or weather reports.

Exemption reports and Declaration reports will be submitted and using an Interactive Voice Response (IVR) system. The IVR system, which is accessed by dialing a toll-free number, prompts the caller by asking a series of questions and allowing the caller to use the touch-tone telephone to respond. An IVR system allows vessels to quickly and easily submit their report 24 hours and will reduce the paperwork burden on both the fisherman and the NMFS, as it makes it easier to collate the information submitted in the reports and monitor fishing activity. NMFS has prepared an example of a worksheet that can be used by the caller to organize report information (attached). The worksheet is an example and would not be a form submitted to NMFS.

4. Describe efforts to identify duplication.

There are no alternate sources of this information or duplicative requirements.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Most of the respondents qualify as small businesses. The burden on fishery participants was considered and only the minimum data needed to monitor compliance with regulations are being requested from respondents.

The VMS units that have been type-approved for this fishery range in costs and service features. This allows the vessel owner the flexibility in choosing the model that best fits the needs of their vessel. Vessels that have already purchased VMS transceiver units for other fisheries or personal purposes have been given consideration. Vessels will be allowed to retain existing

VMS transceivers providing they are on the list of type-approved models and have been upgraded to the level required for the fishery.

The submission of declaration reports was initially proposed as per-trip reports. Following consultation with fishery participants, it was determined that the needs of NMFS OLE and the USCG could be met with less frequently made declaration reports. Therefore, it was determined that a declaration report identifying the type of gear being used by a vessel would remain valid until cancelled or revised by the vessel operator. This results in a significant reduction in the number of reports.

Following consultation with fishery participants, it was determined that some vessels may prefer to reduce the costs of reporting when leaving the EEZ off the coasts of Washington, Oregon, and California. Because a substantial number of permitted vessels also fish in waters off Alaska and in areas outside the EEZ, and because vessels are commonly pulled out of the water for extended periods, a VMS hourly report exemption option was added, which included an exemption report.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Installation/activation reports -- The use and submission of an of the installation /activation reports is required only for the initial installation, re-installation or when the hardware or communications service provider changes. Less frequent reporting would prevent NMFS and the vessel operator from confirming that the system is functioning properly.

Hourly position reports -- Implementing depth-based management measures over large geographic areas, the U.S./Canada border to the US/Mexico border, marks the transition to a much greater dependence upon at-sea enforcement. If the VMS was not operational, NMFS Law Enforcement agents and USCG would be tasked with monitoring closed areas via air and surface patrols. Because the USCG engages in multi-purpose missions, at-sea surveillance of fisheries, homeland defense, search and rescue, pollution response, law enforcement, and training, effort may be diverted from depth-based management patrols. VMS provides a level of coverage that cannot be attained by these more traditional enforcement methods, and at a substantially lower cost.

A more liberal depth-based management regime is only possible if the integrity of the depth-based RCAs can be ensured. Without the ability to ensure the integrity of the RCAs, it is most likely that the depth-based management strategy will be discontinued. If this were the case, the management structure would revert back to very restrictive limits or no limits on healthy stocks in order to protect low abundance species.

Less frequent position reports would be ineffective in deterring the illegal activity. Along some areas of the coast, the RCAs are narrow or prime fishing grounds are near the boundary line of the RCA. If reports were less frequently it would be possible for some vessels to fish within the RCA without being detected. This would undermine the integrity of the RCAs.

Exemption reports and Declaration reports are needed to efficiently and effectively direct the use of enforcement resources throughout the fishing year. The reporting frequency has been reduced to the minimum amount needed to maintain the integrity of the RCAs.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with OMB guidelines except that the VMS reports are sent multiple times per day. That frequency is necessary for enforcing regulations.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A proposed rule (copy attached) is being published to solicit public comments on this submission.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided under this program at this time.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Efforts were made in the design of the VMS program to ensure the security of all individual vessel location data, including analysis and storage. The system includes measures to minimize the risk of direct or inadvertent disclosure of fishing location information. In addition, VMS data is considered confidential under NOAA Administrative Order 216-100, Confidentiality of Fishery Statistics, and is subject to the confidentiality protection of Section 402 of the Magnuson-Stevens Act.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions are asked of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

Total burden hours and annual costs for the VMS unit installation and operation are presented in Table 1. below.

Installation & Maintenance --The time burden for the actual installation of the units is estimated at 4 hours per vessel. The actual installation time for a VMS unit is estimated to be less than two hours, but a higher estimate of 4 hours/vessel is used, based on a worst case scenario where the power source (such as a 12 volt DC outlet) is not convenient to a location where the VMS unit can be installed. For the estimated 424 vessels that could be required to install VMS (limited entry trawl and fixed gear vessels), this amounts to an incremental burden of 1,696 hr. Annual maintenance is estimated to be 4 hours/vessel, resulting in a total burden of 1,696 hrs for all 424 vessels.

Hourly position reports -- Once installed and activated, position reports are transmitted automatically to NMFS via satellite. Vessel operators are required to operate the VMS unit continuously throughout the year. However, with many of the systems, when the vessel is in port, position transmissions are automatically reduced. The unit restarts normal position transmissions automatically when the vessel goes to sea.

The hourly burden associated with exemption and declaration reports are submitted as needed. The estimated time burden associated with these reports is detailed in table 1. Below.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

Total burden hours and annual costs for the VMS unit installation and operation are presented in Table 1. below.

Exemption and Declaration reports -- Aside from the cost in time to summarize and call in an IVR report, there will be no additional cost burden for respondents. All respondents are assumed to have access to a telephone. The telephone call will be placed through a toll-free number so the respondent will not pay for the call. All respondents are assumed to have access to a tough-tone telephone.

14. Provide estimates of annualized cost to the Federal government.

NMFS is required to ensure that VMS units have been installed properly and are operational. In addition, the review the data transmissions will be required to maintain the integrity of the restricted RCAs. NMFS has one full-time FTE (GS-13, \$75,000) and two contract employees at \$68,000 each (\$136,000 total for the two) from the NMFS OLE dedicated to maintaining the system.

The cost to the government during the first year of the program for software (\$25,000) and equipment for a base station (\$54,000), software design for IVR (\$15,000), reporting system and telephone usage fees (\$1,500), training, travel, office space, etc averaging \$50,00. The estimated cost of the total program is \$306,000 for the first year and approximately \$212,000 in subsequent years. This includes the costs maintaining the base station and continuing the IVR reporting system.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

These are program changes from new requirements.

16. For collections whose results will be published, outline the plans for tabulation and publication.

No formal scientific publications based on these collections are planned at this time. The data will be used for management reports and fishery management plan amendments and evaluations by the NMFS and the Council. However, subsequent use of the data collected over a series of years may include scientific papers and publications.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

N/A.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

N/A.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No Statistical Methods are employed.

Table 1. Total burden hours and annual costs for the VMS unit installation and operation

Installation/activation		
VMS Number of respondents		424 respondents
Initial cost of VMS unit (vessel owner purchases type-approved model that best suits their need) **		\$2900 (\$2,000 - \$3,800)
Cost of units for all respondents (\$2000 * 424 respondents - \$3,800 * 424 respondents) to purchase VMS transceiver unit		\$1,229,600 (\$848,000 - \$1,611,200)
Annualized cost of transceiver unit (\$848,000 - \$1,611,200/4 year service life)		\$307,400 (\$212,000 - \$402,800)
Total estimated hours for installation (4 hours (240 min) per vessel * 424 vessels)/4 year service life		424 hours
Total estimated hours for maintenance (4 hours (240 min) per vessel * 424 vessels)		1,696 hours
Hours per respondent to prepare installation/activation report		5 minutes
Total hours for all respondents to prepare and submit installation/activation reports (5 minutes * 424 respondents)		35 hours
Total cost to fax installation and activation reports ((\$3 per fax * 424 respondents) year service life)		\$318
Total annual hours for installation/activation (per respondent/all respondents)		8.08 hours/2,155 hours
Total annual capital costs for installation/activation (per respondent/all respondents)		\$728/\$307,718
Hourly Reports		
VMS Number of respondents		424 respondents
Number of responses per respondent (365 days per year * 24 transmissions per day)		8,760 responses
Total number of responses (8,760 responses per respondent * 424 respondents)		3,714,240 responses
Total estimated hours per response (5 seconds per transmission * 3,714,240 total number of responses)		5,159 hours
VMS position report transmission costs per respondent (\$1-\$5/day * 365 days)		\$1,095 (\$365-\$1,825)
VMS position report transmission costs for all respondents (\$365-\$1,825 * 424 respondents)		\$464,280 (\$154,760 - \$773,800)
Total annual hours for hourly reports (per respondent/all respondents)		12 hours/5,159 hours
Total annual capital costs for hourly reports (per respondent/all respondents)		\$1,095/\$464,280
Exemption reports		
Estimated VMS Number of respondents		145 respondents
Estimated number of exemption reports per year ((75 trawlers + 70 fixed gear)*2)		290 reports
Hours per response to prepare and submit exemption report		5 minutes
Total hours for all respondents to prepare and submit exemption reports (5 minutes * 290 reports)		24 hours

Total annual hours for exemption reports (per respondent/all respondents)	
Total annual capital costs for exemption reports (per respondent/all respondents)	0.17 hours/24 hours \$0/\$0
Declaration reports	
Estimated VMS Number of respondents (424 limited entry + 294 exempted trawl + 5 tribal trawl)	723 respondents
Estimated number of declaration report per year (12 is the estimated average per respondent * 723 respondents)	8,676 reports
Hours per response to prepare and submit declaration reports	4 minutes
Total hours for all respondents to prepare and submit declaration reports (4 minutes * 8,676 reports)	578 hours
Total annual hours for declaration reports (per respondent/all respondents)	
Total annual cost for declaration reports (per respondent/all respondents)	0.7 hours/578 hours \$0/\$0
Total annual hours (per respondent/all respondents)	21.05 hours/7,916 hours
Total annual capital cost (per respondent/all respondents)	\$1,823/\$771,998
** type-approved models may become as low cost as \$800	

Vessel Monitoring Systems Installation and Activation Report for the Pacific Coast Groundfish Fisheries

INSTRUCTIONS: This Vessel Monitoring System (VMS) Installation and Activation report for the Pacific Coast Groundfish Fishery is provided by the National Marine Fisheries Service (NMFS) pursuant to the regulatory requirements of 50 C.F.R.660.359 (d). The vessel owner or operator must follow the indicated procedures when installing or re-installing an NMFS-approved VMS unit.

This checklist is applicable for the listed VMS providers currently approved for use in the Pacific Coast Groundfish fishery. Revised instructions will be provided if additional VMS providers are approved. Follow the particular steps for the communications service and transmitting unit selected by the vessel owner. The vessel owner is responsible for all installation and activation costs. After completion of the installation and activation, the owner must fax or mail the installation and activation certification to NMFS, Office for Law Enforcement (OLE), Northwest Division, 7600 Sandpoint Way NE, Seattle, WA 98115-6349. Fax (206) 526-6528

INSTALLATION AND ACTIVATION

Consult the "Vessel Monitoring System; List of Approved Mobile Transmitting Units and Communications Service Providers for the Pacific Coast Groundfish Fishery," published as a Notice in the Federal Register at XX FR XXXXX (published X/X/03), for the list of approved transmitting units and communications service providers. The list of approved units/providers is also available from NMFS OLE by calling (206) 526-6135 or by obtaining the Federal Register notice from archived records on the internet at: <http://www.nwr.noaa.gov/1sustfsh/gdfsh01.htm>

A. If you already have an INMARSAT-C transmitting unit:

If you already have an INMARSAT-C transmitting unit, that is the same make and model as one of the approved units, you can qualify the unit for use in Pacific Coast groundfish fishery by ensuring the unit is functionally equivalent to an approved unit. This may require you to upgrade the version of software and firmware for the unit, and/or reconfigure the message settings (unit parameters and menu options). If you are not currently using your unit, you will need to contact the INMARSAT-C service provider to establish communications service. This includes applying for subscriber services, establishing credit, and setting up a billing account for ongoing communications charges.

Contact the VMS provider for your make and model and upgrade your unit. After the provider performs the upgrade, go to Step 9. If you cannot get an upgrade, you will need to purchase new equipment and services for VMS, go to section D.

B. If you already have an ARGOS XX transceiver unit:

If you already have an ARGOS MAR GE transceiver unit, that is the same make and model as one of the approved units, you can qualify the unit for use in Pacific Coast groundfish fishery by ensuring the unit is functionally equivalent to an approved unit. If you are not currently using your unit, you will need to contact the Argos provider to establish communications service. This includes applying for subscriber services, establishing credit, and setting up a billing account for ongoing communications charges. If you are using your VMS for fishing in the EEZ off Alaska or for other purposes, you will need to complete the VMS Installation and Activation Certification report. Go to Step 9.

Please contact NMSF OLE, VMS Program Coordinator during business hours at (206) 526-6135

D. Purchasing a new VMS transceiver unit:

Step 1. Contact the entities identified in the Federal register Notice under "VMS PROVIDERS". Indicate to the providers that you will be using the VMS transceiver unit for the Pacific Coast groundfish fishery and you would like to obtain purchase and installation information on the units they provide. Determine the transmitting unit and communications service provider that best suit your needs. Select which satellite system to use for the fishing vessel's VMS, the INMARSAT-C or the XXXXXXXX

If you select INMARSAT-C, go to Step 2. If you select XXXX, go to Step X

INMARSAT-C

Step 2. Choose INMARSAT-C providers: one for the transmitting unit, and one for communications services. The NOAA VMS is designed so that the fisherman has free choice of any combination of type-approved INMARSAT-C options. Do the next two steps, Steps 3 and 4, in any order.

Step 3. Choose the INMARSAT-C communications service provider you prefer and establish a service contract. This includes applying for subscriber services, establishing credit, and setting up a billing account for ongoing communications charges. If applicable, record the important, identifying information, such as a user name and password to access your private position information and your transmitting unit, and the INMARSAT-C email address of your unit.

Step 4. Choose the INMARSAT-C transmitting unit you prefer. If you purchase a Thrane & Thrane TT3022D, request part number "NMFS". The Thrane & Thrane provider initially will mail you only the form known as the INMARSAT Service Activation Request Form (SARF). Go to step 5.

Step 5. Register your transmitting unit for INMARSAT-C use, following these steps.

- Fill out the SARF form referred to in the above step.
- Fax or mail the SARF to the "routing organization" indicated on the form for U.S.-flagged vessels.
- Enclose proof of the fishing vessels "ship radio license" (copy of FCC Form 506) with the SARF.

When the SARF is processed, you will be given an "INMARSAT Number" (also known as "IMN" or "Mobile Number"). This number uniquely identifies your unit within the INMARSAT system, similar to a telephone number. Record this number. Go to step 6.

Step 6. Contact your Thrane & Thrane provider and inform him of your INMARSAT Number and the communications service provider company name you have chosen. The Thrane & Thrane provider will configure the unit to be ready for VMS (VMS message settings and satellite operations), and will then ship the unit. Go to step 7.

Step 7. Install the transmitting unit and antenna according to the installation instructions contained in the manual supplied by the manufacturer, or contact a marine electronics specialist or dealer to install the unit. Also see Step 8.

Step 8. Run the cable connecting the unit in the wheelhouse to the antenna mounted outside, through a solid, immovable and permanent part of the vessel such as a bulkhead, deck, or console. Go to step 9.

Step 9. Turn on the power to the vessel transceiver. Go to step 10

Step 10. Confirm, by phone, with your communications service provider's Customer Service that periodic position reports are now automatically being sent to NOAA OLE.

VMS INSTALLATION AND ACTIVATION CERTIFICATION REPORT

The vessel owner must sign this statement certifying compliance with the installation procedures defined for VMS transceiver unit, then submit this certification to the National Oceanic and Atmospheric Administration, NMFS, Office for Law Enforcement (OLE), Northwest Division, 7600 Sandpoint Way NE, Seattle, WA 98115-6349. Fax (206) 526-6528

Vessel Name: _____ Documentation number _____

Federal Groundfish Permit Number: _____

VMS Transmitting Unit Manufacturer: _____

VMS Communications Service Provider: _____

Certification : In accordance with 50 C.F.R. ' 660.359 (d)(2), as the owner of a vessel participating in the Pacific Coast Groundfish Fishery, I hereby certify that the VMS system on my vessel has been installed in compliance with the applicable procedures.

Vessel Owner Name: _____

Vessel Owner Signature: _____ Date: _____

Under the provisions of the Paperwork Reduction Act of 1995 (PL 104-13) and the Privacy Act of 1974 (PL 93-579), you are advised that disclosure of the information requested in this Vessel Monitoring System (VMS) installation and activation report is mandatory for the purpose of managing the Pacific Coast Groundfish fishery. The checklist information is used to ensure proper operation of the VMS unit. Reporting burden for the collection of information is estimated to average 4 hours per installation, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. The burden for submission of this checklist is estimated at 5 minutes per response. Confidentiality of the information provided will be treated in accordance with NOAA Administrative Order 216-100. It is the policy of the National Marine Fisheries Service not to release confidential data to the public or unauthorized users, other than in aggregate form, as the Magnuson Act protects (in perpetuity) the confidentiality of those submitting data. Whenever data are requested, the NMFS ensures that information identifying the business activity of a particular individual is not identified. Because you have been provided with a currently valid OMB control number for a collection of information subject to the requirements of the Paperwork Reduction Act, you are required to respond to, or be subject to penalty for failing to comply with, this collection of information. Send comments regarding this burden estimate or suggestions for reducing this burden to: NMFS, Office of Law Enforcement, Northwest Division 7600 Sandpoint Way NE, Seattle, WA 98115-6349

Report Worksheet

This worksheet is for your own use and is intended to help you organize information that you will submitted in declaration and exemption reports. Please do not submit this worksheet to NMFS.

1) Press (1) to enter a report. If you are calling this system for the first time and or if you have lost your vessel number or passcode enter (0). (call should be forwarded to a live person or a message that reminds them to call during business hours and identifies the hour)

2) Enter your 6 digit vessel number followed by the # key.

Vessel Number					
					#

3) Enter your 5 digit vessel passcode followed by the # key.

Vessel Passcode				
				#

4) Enter the type of report you are making followed by the # key.

- * Press 1 to enter a new declaration report to fish in a conservation area or to revise an existing declaration. (Next Question D1)
- * Press 2 to cancel a declaration report to fish in a conservation area. (Next Question D1)
- * Press 3 to enter an exemption report (Next Question E1)
- * Press 4 to cancel an exemption report (Next Question E2)

Type of report
#

Declaration Reports

D1) Enter your 2 digit gear code followed by the # key

- 10 - Limited entry fixed gear
- 20 - Limited entry midwater trawl gear
- 30 - Limited entry bottom trawl gear
- 41 - Pink shrimp, spot and ridgeback prawn trawl gear
- 42 - California halibut trawl gear
- 43 - Sea cucumber trawl gear
- 50 - Tribal trawl gear
- 60 - Spot and ridgeback prawns non-trawl gear
- 61 - Crab or lobster gear
- 62 - Pacific Halibut gear
- 63 - Salmon troll gear
- 64 - California halibut gear
- 65 - California Sheephead gear
- 66 - Gear used to take species under the Highly Migratory Species FMP
- 67 - Gear used to take species under the Coastal Pelagic Species FMP
- 68 - Gear used to take species managed by California as the gillnet complex
- 69 - A gear that is not listed above

Gear Code	
	#

D2) For your records, record the confirmation number provided by this system. Re-enter the confirmation number followed by the # key.

Confirmation Number						
						#

D3) Listen to the declaration report as the system plays it back to you. Press # to confirm that the declaration report is correct and hang up or press 1 to make changes to your report.

Exemption Reports

E1) Enter the 2 digit exemption code followed by the # key

10 - Haul out Exemption - When a vessel is continuously out of the water for more than 7 consecutive days
20 - Outside Areas Exemption - When the vessel will be operating outside of the EEZ off Washington, Oregon, or California for more than 7 consecutive days

Type of Exemption
#

E2) For your records, record the confirmation number provided by this system. Re-enter the confirmation number followed by the # key.

Confirmation Number						
						#

E3) Listen to the declaration report as the system plays it back to you. Press # to confirm that the declaration report is correct and hang up or press 1 to make changes to your report.

Magnuson-Stevens Fishery Conservation and Management Act

Public Law 94-265

As amended through October 11, 1996

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.